

AMENDED IN ASSEMBLY MARCH 17, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 107

Introduced by Assembly Member Corbett

January 10, 2003

An act relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately. An act to add Chapter 10.5 (commencing with Section 79575) to Division 26.5 of the Water Code, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 107, as amended, Corbett. Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002: ~~East Bay Municipal Utility District.~~

The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, an initiative measure approved by the voters at the November 5, 2002, statewide general election, ~~makes available \$50,000,000 for appropriation by the Legislature for the purposes of protecting state, regional, and local drinking water systems from terrorist attacks or deliberate acts of destruction or degradation~~ *authorizes for the purposes of financing a safe drinking water, water quality, and water reliability program, the issuance of bonds in the amount of \$3,440,000,000. Under the act, the bond funds made available by the act are deposited in the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002, which is created by the act.*

This bill would appropriate ~~\$23,000,000 to the East Bay Municipal Utility District, of which \$15,000,000 would be allocated for water~~

~~system security capital improvements and \$8,000,000 would be allocated for the planning, design, and construction of an interagency water supply emergency project for the purposes of safeguarding water deliveries from terrorist attacks or deliberate acts of destruction or degradation.~~

~~The bill would declare that it is to take effect immediately as an urgency statute require state agencies that are authorized to make grants for the purposes of the act to achieve an equitable distribution of funding to meet the needs of all regions of the state, provide for the efficient, expeditious, and coordinated administration of programs funded by the act, and contribute to the long-term improvement of water quality, water supply reliability, water system security, and the environment in a manner that is consistent with the act.~~

The bill, upon a certain determination by the Secretary of the Resources Agency, would appropriate the sum of \$63,000,000 from the fund, of which \$29,000,000 would be allocated for certain water security projects, \$4,000,000 would be allocated for feasibility, planning, and site testing activities related to the Bay Area Regional Desalination Project to improve water supply reliability, \$25,000,000 would be allocated to plan, design, and construct a water supply reliability project and to construct conjunctive use facilities for the benefit of the East Bay Municipal Utility District and Zone 7 of the Alameda County Flood Control and Water Conservation District, and for related purposes, and \$5,000,000 would be allocated to water agencies in certain counties for source water quality improvement projects.

Vote: ~~2~~₃ majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. — Of the funds made available pursuant to Section~~
 2 *SECTION 1. Chapter 10.5 (commencing with Section 79575)*
 3 *is added to Division 26.5 of the Water Code, to read:*

4
 5 *CHAPTER 10.5. GRANTS*

6
 7 *79575. The state agencies that are authorized to make grants*
 8 *for the purposes of this division shall do all of the following:*

1 (a) Achieve an equitable distribution of funding to meet the
2 needs of all regions of the state in a manner that optimizes the use
3 of taxpayer dollars.

4 (b) Provide for the efficient, expeditious, and coordinated
5 administration of programs funded pursuant to this division.

6 (c) Contribute to the long-term improvement of water quality,
7 water supply reliability, water system security, and the
8 environment in a manner that is consistent with this division.

9 SEC. 2. (a) The sum of sixty-three million dollars
10 (\$63,000,000) is hereby appropriated from the Water Security,
11 Clean Drinking Water, Coastal and Beach Protection Fund of
12 2002, as follows:

13 (1) Of the funds made available pursuant to Section 79520 of
14 the Water Code, the following amounts are hereby appropriated as
15 follows:

16 (A) Twenty million dollars (\$20,000,000) to ____ for
17 allocation to local public entities in the Counties of Alameda,
18 Contra Costa, San Francisco, San Mateo, and Santa Clara that
19 have completed a federal security vulnerability assessment for the
20 purposes of making water system security capital improvements,
21 including, but not limited to, the acquisition and installation of
22 fencing and lighting, a proprietary key system with high security
23 cores and software tracking system, a centralized card access
24 system with improved software to control entry and exit, and a
25 centralized alarm and video system to monitor and respond to
26 security breaches.

27 (B) Eight million dollars (\$8,000,000) to ____ for allocation
28 to ____ to plan, design, and construct a water supply emergency
29 project to connect the water distribution infrastructure of the
30 Alameda County Water District, City of Hayward, East Bay
31 Municipal Utility District, and San Francisco Public Utilities
32 Commission for the purposes of safeguarding water deliveries
33 from terrorist attacks or deliberate acts of destruction or
34 degradation.

35 (C) One million dollars (\$1,000,000) to ____, of which ____
36 percent shall be allocated to the San Francisco Public Utilities
37 Commission and ____ percent shall be allocated to Zone 7 of the
38 Alameda County Flood Control and Water Conservation District,
39 to plan, design, and construct a project to connect the water
40 distribution infrastructure of those agencies for use during

1 emergencies and to safeguard water deliveries from terrorist
2 attacks or deliberate acts of destruction or degradation.

3 (2) (A) Of the funds made available pursuant to subdivision
4 (a) of Section 79545 of the Water Code, and subject to
5 subparagraph (B), the sum of four million dollars (\$4,000,000) is
6 hereby appropriated to the department for the purposes of
7 providing grants to _____ for feasibility, planning, and site testing
8 activities related to the Bay Area Regional Desalination Project to
9 improve water supply reliability.

10 (B) The department may only allocate funds pursuant to
11 subparagraph (A) if it determines that that allocation meets the
12 requirements of subdivision (a) of Section 79545 of the Water
13 Code.

14 (3) (A) Of the funds made available pursuant to subdivision
15 (d) of Section 79550 of the Water Code, and subject to
16 subparagraph (B), the sum of twenty-five million dollars
17 (\$25,000,000) is hereby appropriated to _____, of which _____
18 percent shall be allocated to the East Bay Municipal Utility
19 District and _____ percent shall be allocated to Zone 7 of the
20 Alameda County Flood Control and Water Conservation District,
21 to plan, design, and construct a water supply reliability project to
22 connect the distribution infrastructure of those agencies for the
23 purposes of facilitating water sharing capabilities and to construct
24 conjunctive use facilities to improve water supply reliability, and
25 for the purposes of Section 79551 of the Water Code.

26 (B) _____ may only allocate funds pursuant to subparagraph
27 (A) if it determines that that allocation meets the requirements of
28 Chapter 7 (commencing with Section 79550) of Division 26.5 of
29 the Water Code.

30 (4) (A) Of the funds made available pursuant to subdivision
31 (a) of Section 79530 of the Water Code, five million dollars
32 (\$5,000,000) is hereby appropriated to the State Department of
33 Health Services for the purpose of providing grants to water
34 agencies in the Counties of Alameda, Contra Costa, San
35 Francisco, San Mateo, and Santa Clara to implement source water
36 quality improvement projects in the Sacramento-San Joaquin
37 Delta, as defined in Section 12220 of the Water Code, and in local
38 watersheds, that are intended to reduce or eliminate runoff or
39 discharge of drainage water into sources of drinking water
40 containing high concentrations of constituents of concern,



1 including, but not limited to, total organic carbon, total dissolved
2 solids, mercury, pathogens, and other contaminants that the State
3 Department of Health Services determines to be of concern.

4 (B) The State Department of Health Services may only allocate
5 funds pursuant to subparagraph (A) if it determines that that
6 allocation meets the requirements of Chapter 4 (commencing with
7 Section 79530) of Division 26.5 of the Water Code.

8 (b) (1) This section shall become operative only if the
9 Secretary of the Resources Agency determines all of the following:

10 (A) Sufficient funds have been made available for water
11 transfers undertaken in accordance with the Quantification
12 Settlement Agreement in a manner that contributes to achieving
13 the benchmarks of the Interim Surplus Guidelines.

14 (B) Funds have been appropriated pursuant to subdivision (b)
15 of Section 79530 for the purposes described in that subdivision.

16 (C) Funds have been appropriated pursuant to Division 26.5
17 (commencing with Section 79500) of the Water Code in a manner
18 that equitably distributes those funds among the various regions
19 of the state.

20 (2) Upon making the determination described in subdivision
21 (a), the Secretary of the Resources Agency shall notify, in writing,
22 the Secretary of State with regard to that determination.

23 ~~79520 of the Water Code, the sum of twenty-three million dollars~~
24 ~~(\$23,000,000) is hereby appropriated to the East Bay Municipal~~
25 ~~Utility District, as follows:~~

26 ~~(a) Fifteen million dollars (\$15,000,000) to make water system~~
27 ~~security capital improvements, including, but not limited to, the~~
28 ~~acquisition and installation of new fencing and lighting, a~~
29 ~~proprietary key system with high security cores and software~~
30 ~~tracking system, a centralized card access system with improved~~
31 ~~software to control entry and exit, and a centralized alarm and~~
32 ~~video system to monitor and respond to security breaches.~~

33 ~~(b) Eight million dollars (\$8,000,000) to plan, design, and~~
34 ~~construct a water supply emergency project to connect the water~~
35 ~~distribution infrastructure of the Alameda County Water District,~~
36 ~~the East Bay Municipal Utility District, the City of Hayward, and~~
37 ~~the San Francisco Public Utilities Commission for the purposes of~~
38 ~~safeguarding water deliveries from terrorist attacks or deliberate~~
39 ~~acts of destruction or degradation.~~

1 ~~SEC. 2. This act is an urgency statute necessary for the~~
2 ~~immediate preservation of the public peace, health, or safety~~
3 ~~within the meaning of Article IV of the Constitution and shall go~~
4 ~~into immediate effect. The facts constituting the necessity are:~~

5 ~~In order to remedy critical water supply security problems as~~
6 ~~soon as possible, thereby protecting public health and safety, it is~~
7 ~~necessary that this act take effect immediately.~~

